

00-0-0711

(Do Not Write Above This Line)

AN ORDINANCE

BY: COUNCILMEMBER CLAIR MULLER

AN ORDINANCE WAIVING SECTION 16-21.004 OF THE CODE OF ORDINANCES LAND DEVELOPMENT CODE TO ALLOW THE REPLACEMENT OF A SINGLE FAMILY RESIDENCE AT 427 VALLEY ROAD; AUTHORIZING THE MAYOR TO EXECUTE ALL NECESSARY AGREEMENTS; AND FOR OTHER PURPOSES.

6/19/00 Filed by Roll Call Vote

FILED BY JUN 19 2000  
CITY COUNCIL

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☒ PERSONAL PAPER REFER

Date Referred

Zoning

Referred To:

5/15/00

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee \_\_\_\_\_  
Date \_\_\_\_\_  
Chair \_\_\_\_\_  
Referred to \_\_\_\_\_

Committee <u>Zoning</u>	Committee <u>Zoning</u>
Date <u>6-30-00</u>	Date <u>6-13-00</u>
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

Committee _____	Committee _____
Date _____	Date _____
Chair _____	Chair _____
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: _____	Other: _____
Members _____	Members _____
Refer To _____	Refer To _____

FINAL COUNCIL ACTION

- ☒ 2nd ☐ 1st & 2nd ☐ 3rd  
Readings  
☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE

00-0711

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WHEREAS, Section 16-21.004 of the City of Atlanta Code of Ordinances permits construction of buildings or structures within a floodplain only under certain conditions, and provides that no structure may have a finished elevation less than 2 feet higher than the nearest base flood elevation and closer than 15 feet from the nearest base flood elevation; and

WHEREAS, the floodplain includes land shown on the Flood Hazard District maps for the City of Atlanta as defined in Code Section 16-21.002; and

WHEREAS, in Code Section 16-21.003 the floodplain also is defined to include areas of land not depicted on the Flood Hazard District maps but "where inundation is likely to occur during a base flood as determined from evidence of prior flooding verified by engineering studies;" and

WHEREAS, Valley Road lies within the Wolf Creek drainage basin, which is not designed as a floodplain on the Flood Hazard District maps but which is known to be an area of periodic flooding; and

WHEREAS, the residence previously located at 427 Valley Road, which was constructed prior to the adoption of Chapter 21-Flood Hazard Districts of the Land Development Code and which encroached into the 15-foot limitation, has been demolished; and

WHEREAS, the present owner of the lot at 427 Valley Road purchased the property in reliance on a survey that correctly stated the property "was not within a FEMA designated floodplain" and with the understanding that a new residence could be constructed on the lot; and

WHEREAS, code Section 16-21.004 and the criteria currently applied by the Department of Public Works would have allowed the remodeling or improvement of the previous residence but not construction of a new residence; and

WHEREAS, for this reason an application for a building permit for the proposed construction of a new single family residence was denied; and

WHEREAS, hydraulic and hydrological calculations performed by Shepherd D. Long, P.E. of Long Engineering, Inc. have demonstrated that the construction of the proposed

RCS# 2041  
6/19/00  
3:41 PM

Atlanta City Council

Regular Session

00-O-0711

ALLOW REPLACEMENT OF A SINGLE FAMILY  
RESIDENCE AT 427 VALLEY ROAD  
FILE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 2

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	B Maddox	Y Alexander
B Winslow	Y Muller	Y Boazman	NV Pitts

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